



City Council Reports Docket

September 5: Public Facilities

September 9: Finance and Zoning & Planning

September 10: Land Use

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7:45PM, Hybrid

To be reported on

Monday, September 16, 2024

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers Monday, September 16, 2024, at 7:45 PM. To view this meeting on Zoom use this link

<https://newtonma-gov.zoom.us/j/88088609635>

at the above date and time:

One tap mobile

US: +13092053325, 880 8860 9635

Land line

+1 309 205 3325 US

Webinar ID: 880 8860 9635

You may also:

1. Watch a live broadcast of the meeting on NewTV's government channel (Comcast 9, RCN 13, 614(HD), Verizon 33).

2. View a live stream on NewTV's Youtube channel at:
<https://www.youtube.com/channel/UCQvNeCjKA3PftuLLvAh3cQ>

1

City of Newton

In City Council Items to be Acted Upon

Unfinished Council Business

#300-24 Request to amend Special Permit #392-22 at 120-126 Norwood Avenue
120 NORWOOD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN
APPROVAL to amend Special Permit #392-22 and to allow additional parking

¹ The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

on site which is proposed to be located 20 feet of a lot line at 120 Norwood Avenue, Ward 2, Newtonville, on land known as Section 22 Block 09 Lot 05, containing approximately 24,897 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.1, 3.2.4, 5.1.4, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 4-3 (Councilors Downs, Leary, Lobovits Opposed)
City Council Voted to Postpone to a Date Certain on 09/05/24; 20-0-4 (Councilors Danberg, Gentile, Humphrey and Lipof Absent)**

Referred to Land Use Committee

09/10/2024

Present: Councilors Kelley (Chair), Block, Downs, Farrell, Laredo, Leary, Lobovits and Lucas; also present: Councilors Greenberg, Malakie, Krintzman, and Wright

#325-24 Request for Extension of Time to Exercise Special Permit #446-22 at 113 Grove Street

113 GROVE STREET, LLC petition for Extension of Time to November 21, 2024 to allow a rear lot subdivision to construct a single-family dwelling, relocate the existing dwelling forward and waive the definition of "rear-lot" at 113 Grove Street, Ward 4, Newton, on land known as Section 43 Block 31 Lot 15, containing approximately 23,063 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10, 1.5.2.G.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0 (Councilor Laredo Not Voting)

#326-24 Request for Extension of Time to Exercise Special Permit #227-23 at 107-109 Elliot Street

107-109 ELLIOT STREET LLC petition for Extension of Time to July 10, 2026 to raze the dwelling and construct a four-unit three-story multi-family dwelling with garage parking for seven vehicles at 107-109 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 20 Lot 21, containing approximately 12,189 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 3.4.1, 3.2.6, 7.8.2.C.2, 5.1.8.B.1, 5.1.13, 5.1.8.B.6, 5.4.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0 (Councilor Laredo Not Voting)

#327-24 Request for Extension of Time to Exercise Special Permit #265-23 at 43 Crafts Street

KOSHER K LLC petition for Extension of Time to September 5, 2026 to raze the existing dwelling and construct a three-story, three-unit multi-family dwelling

with surface parking for three vehicles at 43 Crafts Street, Ward 1, Newton, on land known as Section 14 Block 23 Lot 11, containing approximately 1,789 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 4.4.1, 7.8.2.C.2, 4.3.3, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0 (Councilor Laredo Not Voting)

#328-24 Request to vertically extend a nonconforming side setback at 228 Grove Street

DAVID AND CEIRE NEVINS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second story addition over an existing sunroom, vertically extending the nonconforming side setback at 228 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 30 Lot 04, containing approximately 11,400 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0 (Councilor Laredo Abstained); Public Hearing Closed 8-0

#329-24 Request to waive two parking stalls at 15-17 Playstead Road

YANTING AND ZHEN SUN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to waive two parking stalls at 15-17 Playstead Road, Ward 1, Newton, on land known as Section 71 Block 37 Lot 05, containing approximately 5,101 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0; Public Hearing Opened

#330-24 Request to exceed FAR and to vertically extend nonconforming front setbacks at 35 Hood Street

PETER DANIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct basement, first and second story additions, exceeding FAR and reconstruct the roof of the detached garage and add a roof deck and extending the nonconforming front setback of both structures at 35 Hood Street, Ward 7, Newton, on land known as Section 72 Block 38 Lot 08, containing approximately 5,988 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.1.3, 3.1.9, 7.8.2.C.2, 3.4.3.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 8-0

#331-24 Request to extend a nonconforming front setback at 98 Parker Avenue
 ALEXANDER ZASLAVSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a larger front landing and new steps, extending the nonconforming front setback at 98 Parker Avenue, Ward 6, Newton Highlands, on land known as Section 81 Block 26 Lot 06, containing approximately 6,160 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 8-0

#332-24 Request to allow ground floor residential use, and to exceed by right height and stories at 340 River Street and 76 Lexington Street

340 RIVER STREET REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing structures, combine the lots into one 10,578 square foot lot, and construct four residential dwelling units in one building consisting of three stories and greater than 24 feet in height at 340 River Street and 76 Lexington Street, Ward 4, West Newton and Auburndale, on land known as Section 44 Block 35 Lots 60 and 59, containing approximately 10,578 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 4.4.1, 4.1.2.B.3, 4.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0; Public Hearing Opened 8-0

Referred to Zoning & Planning Committee

09/09/2024

Present: Councilors Baker (Chair), Oliver, Albright, Wright, Getz, Danberg, and Kalis; absent: Councilor Krintzman; also present: Councilors Farrell, Lipof, and Bixby

Referred to Zoning & Planning and Finance Committees

#334-24 CPC Recommendation to appropriate \$2,000,000 in CPA funding
 COMMUNITY PRESERVATION COMMITTEE recommending appropriation of two million dollars (\$2,000,000) with two hundred and eighty thousand dollars (\$280,000) from Acct. # 5810-335810 (Historic Funds Balance), five hundred thousand dollars (\$500,000) from Acct. # 58B10498-57900B (Historic Budgeted Reserves) and one million two hundred and twenty thousand dollars from Acct. # 58R10498-579000 (FY25 Unrestricted Fund Balance) to the control of the Planning & Development Department for a grant to the First Baptist Church for the restoration of their bell tower.

Zoning & Planning Approved Subject to Second Call 7-0

Referred to Zoning & Planning and Finance Committees

#335-24

CPC Recommendation to appropriate \$650,000 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of six hundred and fifty thousand dollars (\$650,000) from Acct. #5810-335810 (Historic Fund Balance) to the control of the Planning & Development Department for a grant to the Newton Family Access for the renovation of the historic former Davis School Building, which will allow for necessary code-related upgrades.

Zoning & Planning Approved 7-0

#41-24

Amend the setbacks in the MR zones to encourage preservation of existing buildings

COUNCILORS ALBRIGHT, DANBERG, KRINTZMAN, AND LEARY seeking a discussion with the Planning Department to consider ordinance amendments that would revise the metrics in the multi-residence (MR1, MR2 and MR3) zones, to regulate the size of new buildings better, enable a wider range of housing options close to public transit, and better incentivize preservation and renovation of existing housing stock.

Zoning & Planning Held 7-0 on 02/15/2024

Zoning & Planning Held 6-0 (Councilor Albright Not Voting) on 03/11/2024

Zoning & Planning Held 8-0 on 04/08/2024

Zoning & Planning Held 8-0 on 05/13/2024

Zoning & Planning Held 7-0 on 07/22/2024

Zoning & Planning Held 7-0

#85-24

Request for discussion and possible amendments to enhance the preservation of existing homes.

COUNCILORS BAKER, OLIVER, MALAKIE, KALIS, GETZ, LUCAS, LOBOVITS, WRIGHT, BLOCK, AND FARRELL requesting a discussion and possible amendments to Chapter 30 Zoning or other City Ordinances to enhance the preservation of existing homes over their replacement by larger and more expensive structures.

Zoning & Planning Held 7-0 on 02/15/2024

Zoning & Planning Held 6-0 (Councilor Albright Not Voting) on 03/11/2024

Zoning & Planning Held 8-0 on 04/08/2024

Zoning & Planning Held 8-0 on 05/13/2024

Zoning & Planning Held 7-0 on 07/22/2024

Zoning & Planning Held 7-0

Referred to Public Facilities Committee

09/05/2024

Present: Present: Councilors Albright (Chair), Getz, Leary, Kelley, and Kalis; absent:
Councilors Danberg, Gentile, and Laredo

#278-24 Verizon petition for a Grant of Location on Chase Street

VERIZON petitioning for a grant of location to relocate one jointly-owned pole, P. 6 located on the northerly side of Chase Street approximately 13 feet southwesterly from its existing location to accommodate a new driveway. (Ward 6)

Public Facilities Held 7-0 on 07/10/2024

Public Facilities Approved 5-0

#293-24 Eversource petition for Grant of Location for Commonwealth Ave

EVERSOURCE ENERGY petitioning for a grant of location to install and maintain approximately 378 feet of conduit westerly from the new manhole MH32297 at the intersection of Auburn Street and Evergreen Avenue to support the MWRA Tunnel Boring Machine project. (Ward 4)

Public Facilities Held 7-0 on 07/10/2024

Public Facilities Approved 5-0

Referred to Public Facilities and Finance Committees

#313-24 Appropriate \$105,253 for the Newton South Lighting Project

HER HONOR THE MAYOR requesting authorization to appropriate and expand the sum of one-hundred five-thousand two-hundred fifty-three dollars (\$105,253) from the Energy Stabilization Fund to fund an LED Lighting Project at Newton South High School.

Public Facilities Approved 5-0

Finance Approved 6-0 on 09/09/2024

Referred to Public Facilities and Finance Committees

#315-24 Transfer \$215,000 for new traffic signal equipment

HER HONOR THE MAYOR requesting authorization to transfer and expend the sum of two-hundred fifteen-thousand dollars (\$215,000), from Trio mitigation funds, identified in Council Order #96-17, Condition #6 for the purchase and installation of new traffic signal equipment at the Lowell Avenue/Washington Street intersection.

Public Facilities Approved 5-0

Finance Approved 6-0 on 09/09/2024

Referred to Public Facilities and Finance Committees

#318-24

Authorization for MWRA loan program for Sewer CIP Project 10

HER HONOR THE MAYOR requesting authorization to borrow four-million four-hundred three-thousand dollars (\$4,403,000) in an interest free loan, payable in 1/10 installments over 10 years, from the Massachusetts Water Resources Authority (MWRA) Sewer Infiltration/Inflow Local Financial Assistance Program Phase 15, loan program for the design and construction of Sewer CIP Project 10.

Public Facilities Approved 5-0

Finance Approved 6-0 on 09/09/2024

Referred to Public Facilities and Finance Committees

#319-24

Authorization for MWRA loan program

HER HONOR THE MAYOR requesting Authorization to borrow one-million nine-hundred fifty-seven thousand three-hundred dollars (\$1,957,300) in an interest free loan, payable in 1/10 installments over 10 years, from the Massachusetts Water Resources Authority (MWRA) Phase 4 water loan program.

Public Facilities Approved as Amended Changing “one-million nine-hundred fifty-seven thousand three-hundred dollars (\$1,957,300)” to “nineteen-million-five-hundred-seventy-three-thousand dollars (\$19,573,000)” 5-0

Finance 6-0 Approved as Amended Changing “one-million nine-hundred fifty-seven thousand three-hundred dollars (\$1,957,300)” to “nineteen-million-five-hundred-seventy-three-thousand dollars (\$19,573,000)” 6-0 on 09/09/2024

Referred to Finance Committee

09/09/2024

Present: Councilors Gentile (Chair), Lipof, Micley, Malakie, Grossman and Bixby; absent: Councilors Greenberg and Humphrey

Referred to Programs & Services and Finance Committees

#294-24

CPC Recommendation to appropriate \$150,000 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one hundred twenty-one thousand six hundred twenty-one dollars and sixty-two cents (\$121,621.62) in Community Preservation Act funding be appropriated from the FY24 Open Space Reserve Funds and twenty-eight thousand three hundred seventy-eight dollars and thirty-eight cents

(\$28,378.38) from the CPA unrestricted fund balance for the creation of Spears Park Community Garden.

Finance Approved as Amended Changing “one hundred twenty-one thousand six hundred twenty-one dollars and sixty-two cents (\$121,621.62)” to “one hundred twenty-one thousand seven hundred thirty-four dollars and fifty-six cents (\$121,734.56)” and “twenty-eight thousand three hundred seventy-eight dollars and thirty-eight cents (\$28,378.38)” to “twenty-eight thousand two hundred sixty-five dollars and forty-four cents (\$28,265.44)” 6-0

Programs & Services Approved as Amended Changing “one hundred twenty-one thousand six hundred twenty-one dollars and sixty-two cents (\$121,621.62)” to “one hundred twenty-one thousand seven hundred thirty-four dollars and fifty-six cents (\$121,734.56)” and “twenty-eight thousand three hundred seventy-eight dollars and thirty-eight cents (\$28,378.38)” to “twenty-eight thousand two hundred sixty-five dollars and forty-four cents (\$28,265.44)” 8-0 on 08/14/24

#308-24 Reappointment of Jeffrey Silton as a Constable

HER HONOR THE MAYOR reappointing Jeffrey Silton, 120 Cherry Street, Newton as a City of Newton Constable for a term of office set to expire on October 25, 2027. (60 days: 10/11/2024)

Finance Approved 6-0

#309-24 Acceptance of a \$302,922 from the Executive Office of Public Safety & Security’s State 911 Department

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of three hundred thousand nine hundred and twenty-two dollars (\$302,922) of FY25 Support & Incentive Grant funding from the Executive Office of Public Safety & Security’s State 911 Department to assist with 911 Dispatch operations.

Finance Approved 6-0

#310-24 Acceptance of a \$93,376 grant from the Massachusetts Department of Environmental Protections

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of ninety-three thousand three hundred seventy six dollars from the Massachusetts Department of Environmental Protection’s 2024 Financial Assistance Application for Drinking Water Lead Service Line Replacement Planning Project program.

Finance Approved Subject to Second Call 6-0

#312-24 Appropriate \$25,000 for Inspector Training
 HER HONOR THE MAYOR requesting the authorization to appropriate and expend the sum of twenty-five thousand dollars (\$25,000) from Account number 5520R220-472000 (Ch. 148A ISD Fines-Court Fines) for continuing education and training of our inspectors.
Finance Held 6-0

Referred to Finance and Public Facilities Committees

#313-24 Appropriate \$105,253 for the Newton South Lighting Project
 HER HONOR THE MAYOR requesting authorization to appropriate and expand the sum of one-hundred five-thousand two-hundred fifty-three dollars (\$105,253) from the Energy Stabilization Fund to fund an LED Lighting Project at Newton South High School.
Finance Approved 6-0
Public Facilities Approved 5-0 on 09/05/2024

#314-24 Appropriate \$7,416.12 for the full and final settlement of A.M. v. City of Newton
 HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of seven thousand four hundred sixteen thousand dollars and twelve cents (\$7,416.12) from Acct # 0110841-572500 (Judgements and Settlements Account) for the full and final settlement of A.M. (a minor) v. City of Newton, City claim file no. 22-001.
Finance Approved as Amended changing “the sum of seven thousand four hundred sixteen thousand dollars and twelve cents (\$7,416.12).” to “the sum of seven thousand four hundred sixteen thousand dollars and twelve cents (\$7,416.12).” 6-0

Referred to Finance and Public Facilities Committees

#315-24 Transfer \$215,000 for new traffic signal equipment
 HER HONOR THE MAYOR requesting authorization to transfer and expend the sum of two-hundred fifteen-thousand dollars (\$215,000), from Trio mitigation funds, identified in Council Order #96-17, Condition #6 for the purchase and installation of new traffic signal equipment at the Lowell Avenue/Washington Street intersection.
Finance Approved 6-0
Public Facilities Approved 5-0 on 09/05/2024

#316-24 Acceptance of a \$60,000 grant from the Executive Office of Public Safety & Security's Office of Grants and Research

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of sixty thousand dollars (\$60,000) of FY25 Municipal Road Safety Grant funding from the Executive Office of Public Safety & Security's Office of Grants and Research.

Finance Approved 5-0 (Councilor Micley Not Voting)

Referred to Finance and Public Facilities Committees

#318-24 Authorization for MWRA loan program for Sewer CIP Project 10

HER HONOR THE MAYOR requesting authorization to borrow four-million four-hundred three-thousand dollars (\$4,403,000) in an interest free loan, payable in 1/10 installments over 10 years, from the Massachusetts Water Resources Authority (MWRA) Sewer Infiltration/Inflow Local Financial Assistance Program Phase 15, loan program for the design and construction of Sewer CIP Project 10.

Finance Approved 6-0

Public Facilities Approved 5-0 on 09/05/2024

Referred to Finance and Public Facilities Committees

#319-24 Authorization for MWRA loan program

HER HONOR THE MAYOR requesting Authorization to borrow one-million nine-hundred fifty-seven thousand three-hundred dollars (\$1,957,300) in an interest free loan, payable in 1/10 installments over 10 years, from the Massachusetts Water Resources Authority (MWRA) Phase 4 water loan program.

Finance Approved as Amended Changing "one-million nine-hundred fifty-seven thousand three-hundred dollars (\$1,957,300)" to "nineteen-million-five-hundred-seventy-three-thousand dollars (\$19,573,000)" 6-0

Public Facilities Approved as Amended Changing "one-million nine-hundred fifty-seven thousand three-hundred dollars (\$1,957,300)" to "nineteen-million-five-hundred-seventy-three-thousand dollars (\$19,573,000)" 5-0 on 09/05/2024